

AN  
ACCOUNT  
OF THE  
PROCEEDINGS  
OF THE

Lords Spiritual & Temporal  
In Parliament Assembled,

In Relation to the

BILL,  
INTITULED,

An ACT for Preventing

*Occasional Conformity.*

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London, Printed by Charles Bill, and the Executrix  
of Thomas Newcomb, deceas'd, Printers to the  
Queens most Excellent Majesty. 1702.

Die Mercurii, 24 Febr. 1702.

**I**t is Ordered by the Lords Spiritual and Temporal in Parliament Assembled, That the Bill, Intituled, An Act for Preventing Occasional Conformity, and the Proceedings thereupon, shall be forthwith Printed and Publisbed.

Math. Johnson,  
Cleric' Parliamentor'

*The Commons Agreement and Disagreement, to the Amendments made by the Lords to the Bill for Preventing Occasional Conformity, with the Commons Amendments to the Lords Amendment.*

*Die Mercurii,*  
2 Decemb. 1702.

A Message from the House of Commons, by Mr. Bromley, and others, who brought up a Bill, Intituled, *An Act for Preventing Occasional Conformity*; to which they desire the Concurrence of this House.

*Hodie prima vice lecta est Billa, Intituled, An Act for Preventing Occasional Conformity.*

As nothing is more contrary to the Profession of the Christian Religion, and particularly to the Doctrine of the Church of England, than Persecution for Conscience only; in due Consideration whereof an Act passed in the First Year of the Reign of the late King William and Queen Mary, Intituled, *An Act for Exempting Their Ma-*  
A 2 *jesties*

The Amendments made by the Lords to the Bill for Preventing Occasional Conformity.

Agreed to by the Commons.

Line 14. After [Mary] add [of Glorious Memory]



*Justies Protestant Subjects, Dissenting from the Church of England, from the Penalties of certain Laws,*

Disagreed to by  
the Commons.  
Disagreed to by  
the Commons.

which Act ought inviolably to be Observed, and Ease given to all Consciences truly Scrupulous; Nevertheless, whereas the Laws do Provide that every Person to be Admitted into any Office or Employment should be Conformable to the Church, as it is by Law Established, by Enacting, That every such Person, so to be Admitted, should Receive the Sacrament of the Lords Supper, according to the Rites and Usage of the Church of *England*; Yet several Persons Dissenting from the Church, as it is by Law Established, do joyn with the Members thereof in Receiving the Sacrament of the Lords Supper, to Qualifie themselves to Have and Enjoy such Offices and Employments, and do afterwards Resort to Conventicles or Meetings for the Exercise of Religion in other manner than according to the Liturgy and Practice of the Church of *England*, which is con-

l. 10. After [ *Scrupulous* ] add [ *but* ]

l. 11. Leave out from [ *whereas* ] to [ *several* ] in the 27th line.

Disagreed to by  
the Commons.

l. 37. Leave out [ *such* ]



contrary to the Intent  
and Meaning of the  
Laws already made:  
Be it therefore Enact-  
ed by the Queens most  
Excellent Majesty, by  
and with the Advice  
and Consent of the  
Lords Spiritual and  
Temporal, and Com-  
mons in Parliament  
Assembled, and by  
Authority of the same,  
That if any Person or  
Persons after the First  
Day of *March*, which  
shall be in the Year of  
our Lord, One thou-  
sand seven hundred  
and two, either Peers  
or Commoners, who  
have or shall have any  
Office or Offices, Civil  
or Military, or Re-  
ceive any Pay, Salary,  
Fee, or Wages, by  
reason of any Patent or  
Grant from Her Ma-  
jesty, or shall have a-  
ny Command or Place  
of Trust from or un-  
der Her Majesty, or  
from any of Her Ma-  
jesties Predecessors, or  
by Her or Their Au-  
thority, or by Autho-  
rity derived from Her  
or Them, within the  
Kingdom of *England*,  
Dominion of *Wales*,  
or Town of *Berwick*  
upon *Tweed*, or in Her  
Majesties Navy, or in  
the several Islands of  
*Jersey* and *Guernsey*,  
or shall be Admitted

A 3 into

Disagreed to by  
the Commons.

into any Service or  
Employment in Her  
Majesties Household or  
Family ; Or if any  
Mayor , Alderman ,  
Recorder , Bayliff ,  
Town Clerk , Common  
Council Man , or o-  
ther Person bearing  
any Office of Magi-  
stracy or Place of  
Trust , or other Im-  
ployment relating to  
or concerning the Go-  
vernment of the respec-  
tive Cities , Corporati-  
ons , Boroughs , Cinque  
Ports , and their Mem-  
bers , and other Port  
Towns within the  
Kingdom of *England* ,  
Dominion of *Wales* ,  
and Town of *Berwick*  
upon *Tweed* , who by  
the Laws are Obligated  
to Receive the Sacra-  
ment of the Lords  
Supper according to  
the Rites and Usage  
of the Church of *En-  
gland* , shall at any  
time after their Ad-  
mission into their re-  
spective Offices or Im-  
ployments , or after  
having such Grant , as  
aforesaid , during his  
or their Continuance  
in such Office or Offi-  
ces , Employment or  
Imployments , or the  
Injoyment of any Pro-  
fit or Advantage from  
the same , shall Re-  
sort to or be present  
at any Conventicle ,  
Assembly

L. 4. Leave out from  
[ *Family* ] to [ *shall* ]  
in the 31 line.

Agreed to by  
the Commons.

L. 44. Leave out [ *shall* ]  
and read [ *knowingly*  
and *willingly* . ]

Assembly or Meeting, under Colour or Pre-  
 tence of any Exercise of Religion, in other  
 manner than according to the Liturgy  
 and Practice of the Church of England,  
 in any Place within the Kingdom of Eng-  
 land, Dominion of Wales, and Town of  
 Berwick upon Tweed, at which Conventicle,  
 Assembly or Meeting there shall be Five  
 Persons or more Assembled together, o-  
 ver and besides those of the same Household,  
 if it be in any House where there is a Fa-  
 mily Inhabiting, or if it be in an House or  
 Place where there is no Family Inhabiting,  
 then where any Five Persons or more are  
 so Assembled, as a-  
 foresaid, shall Forfeit

Agreed to by the  
 Commons with  
 the Amendments  
 following, viz.

1. After the word  
 [ or ] add [ shall  
 knowingly & wil-  
 lingly be present.

After the word  
 [ any ] add [ such ]

After the word  
 [ Meeting ] leave

out [ where ] and insert [ in such  
 house or place, as aforesaid, altho' ]

After [ Liturgy ] leave out [ in ]  
 and insert [ be there ]

After [ used ] leave out [ and  
 where ] and insert [ in case ]

After [ Majesty ] add [ whom God  
 long preserve, Catherine the Queen  
 Dowager ]

After [ Sophia ] add [ or such o-  
 thers as shall from time to time be  
 lawfully appointed to be prayed for ]

After [ be ] add [ there ]

2. To which Addition of the  
 Lords (to the Amendments made  
 by the Commons to the Lords A-  
 mendment) as Entred on the other  
 side, the Commons agreed.

1. 20. After [ aforesaid ]  
 add [ or at any Meeting  
 where the Liturgy is used,  
 and where Her Majesty and  
 the Princess Sophia shall  
 not be prayed for in expresse  
 words, according to the Li-  
 turgy of the Church of Eng-  
 land ]

1. To which Amend-  
 ments of the Commons  
 (to the Lords Amend-

ment) as Entred on the other side,  
 the Lords Agreed, with the Addi-  
 tion following:

2. After the words [ prayed for ]  
 in the Commons Amendment, add  
 [ in pursuance of an Act Passed in  
 the First Year of King William and  
 Queen Mary, Intituled, An Act De-  
 claring the Rights and Liberties of  
 the Subject, and Settling the Suc-  
 cession of the Crown; and the Act  
 Passed in the Twelfth and Thirteenth  
 of King William the Third, Intituled,  
 An Act for the further Limitation of  
 the Crown, and better Securing the  
 Rights and Liberties of the Subject. ]



Disagreed to  
by the Com-  
mons.

the Sum of One hundred Pounds, and Five Pounds for every Day that any such Person or Persons shall continue in the Execution of such Office or Employment after he or they shall have Resorted to or been present at any such Conventicle, Assembly or Meeting, as aforesaid, to be Recovered by him or them that shall Sue for the same, by any Action of Debt, Bill, Complaint or Information, in any of Her Majesties Courts at *Westminster*, wherein no Essoign, Protection or Wager of Law shall be allowed, nor more than one Imparllance.

And be it further Enacted, That every Person Convicted in any Action to be brought, as aforesaid, or upon any information, Presentment or Indictment in any of Her Majesties Courts at *Westminster*, or at the Assizes, shall be disabled from thenceforth to hold such Office or Offices, Employment or Employments, or to receive any Profit or Advantage by reason of them, or of any Grant, as aforesaid, and shall be Adjudged incapable to bear

l. i. Leave out [*One hundred Pounds, and Five Pounds for every Day that such Person or Persons shall continue in the Execution of such Office or Employment*] and instead thereof insert [*Twenty Pounds, to be divided into Three parts, whereof one Third Part to the Queen, one other to the Poor of the Parish where the Offence shall be Committed, and one Third Part to the Informer.*]

Line 44. Leave out from [*aforesaid*] to the end of the Bill.

bear any Office or Employment whatsoever, within the Kingdom of *England*, Dominion of *Wales*, or Town of *Berwick* upon *Tweed*.

Clause [ *A* ]  
Agreed to by  
the Commons.

Provided always, and be it further Enacted by the Authority aforesaid, That if any Person or Persons who shall have been convicted, as aforesaid, and thereby made Incapable to hold any Office or Employment, shall after such Conviction Conform to the Church of *England* for the Space of One Year, without having been present at any Conventicle, Assembly or Meeting, as aforesaid, and Receive the Sacrament of the Lords Supper at least Three times in the Year, every such Person or Persons shall be Capable of a Grant of any Office or Employment, or of being Elected into or holding of any the Offices or Employments aforesaid.

Clause [ *B* ]  
Disagreed to by  
the Commons.

Provided also, and be it Enacted, That every Person so Convicted, and afterwards Conforming in manner, as aforesaid, shall at the next Term after his Admission into any

And add the Clauses  
*A, B, C, D, E.*

[ *A* ] *Provided, That no Person shall suffer any Punishment for any Offence committed against this Act, unless Oath be made of such Offence before some Judge or Justice of the Peace (who is hereby Impowered and Required to take the said Oath) within Ten Days after the said Offence Committed, and unless the said Offender be Prosecuted for the same within Three Months after the said Offence Committed; nor shall any Person be Convicted for any such Offence, unless upon the Oath of Two Credible Witnesses at the least.*

[ *B* ] *Provided always, and be it Enacted, That from and after the said First Day of March, no Protestant Dissenter shall be Compelled or Compellable to take, serve, hold or bear any Office or Place whatsoever, for the Taking, Serving or Holding whereof he cannot be duly Qualified by Law,*

any such Office or Im-  
ployment, make Oath  
in Writing in any of  
Her Majesties Courts  
at *Westminster*, in  
Publick and Open  
Court, between the  
Hours of Nine of  
the Clock and Twelve  
in the Forenoon, or  
at the next Quarter  
Sessions for that Coun-  
ty or Place where he  
shall reside, That he  
has Conformed to the  
Church of *England*  
for the Space of One  
Year before such his  
Admission, without  
having been present  
at any Conventicle,  
Assembly or Meeting,  
as aforesaid, and that  
he has Received the  
Sacrament of the  
Lords Supper at least  
Three times in the  
Year, which Oath  
shall be there Inrolled  
and kept upon Re-  
cord.

Provided also, and  
be it further Enacted  
by the Authority a-  
foresaid, That if any  
Person after such his  
Admission, as afore-  
said, into any Office  
or Imployment, shall  
a second time Offend,  
in manner aforesaid,  
and shall be thereof  
Lawfully Convicted,  
he shall for such Of-  
fence incur Double  
the Penalties before  
men-

*without Receiving the  
Holy Sacrament ac-  
cording to the Usage of  
the Church of England,  
and also Making and  
Subscribing the De-  
claration mentioned  
in the Statute, made  
25 Car. 2. Intituled,  
An Act for Prevent-  
ing Dangers which  
may happen from Po-  
pish Recusants, any  
Statute, Law, Usage,  
or other thing to the  
contrary notwithstanding.*

[C] *Provided ne-  
vertheless, That this  
Act shall not extend to  
the University Churches  
in the Universities of  
this Realm, or either  
of them, when, or at  
such times as any Ser-  
mon or Lecture is  
Preached or Read in  
the same Churches, or  
any of them, for, or as  
the Publick University  
Sermon or Lecture,  
but that the same Ser-  
mons and Lectures  
may be Preached or  
Read, in such sort or  
manner, as the same  
have been heretofore  
Preached or Read;  
This Act, or anything  
therein contained to  
the contrary, in any  
wise notwithstanding.*

[D] *Provided, That  
no Person shall Incur  
any the Penalties in  
this Act, by Resorting*

Clause [C]  
Disagreed to by  
the Commons.

Clause [D]  
Disagreed to by  
the Commons.



mentioned, to be Recovered in manner, as aforesaid, and shall Forfeit such Office or Imployment, and shall not be Capable of having any Office or Imployment, until he shall have Conformed for the Space of Three Years, in manner aforesaid, whereof Oath shall be made in Writing in One of Her Majesties Courts at *Westminster*, or at the Quarter Sessions of the County where he Resides.

Clause [E]  
Disagreed to  
by the Commons.

to, or being Present at the Religious Exercises used in the Dutch and French Languages, in Churches Established in this Realm, in the Reigns of King Edward the 6th, or of Queen Elizabeth, or of any other King or Queen of this Realm.

[E] Provided always, and be it Enacted by the Authority aforesaid, That nothing in this Act shall extend, or be Construed to extend to any Governor or Governors of any Hospital

or Hospitals, or to any Assistants of any Corporation or Corporations, Work-house or Work-houses, Constituted, Erected or Employed for the Relief, and Setting of the Poor on Work, and for Punishing of Vagrants and Beggars; all which said Persons, and every of them, shall be, and are hereby Exempted from all the Penalties mentioned in this Act, and are hereby Adjudged and Declared not to be subject or liable to any of the Penalties or Forfeitures mentioned in one Act of Parliament made in the 25th Year of the Reign of King Charles the Second, For Preventing Dangers which may happen from Popish Recusants, for or by reason of any of the aforesaid Offices or Employments.

Ordered, That the said Bill shall be Read a second time to Morrow, at One a Clock, and all the Lords Summoned.

Die

*Die Jovis, 3 Decemb. 1702.*

**H**odie *secunda vice lecta est Billa*, Intituled, *An Act for preventing Occasional Conformity.*

Ordered, That the said Bill shall be Committed to a Committee of the whole House.

Then it was proposed, That an Instruction be given to the Committee, that this Act extend to no other Persons than such as are Comprehended in the Test Act.

And after Debate thereupon,

This Question was put, Whether it shall be an Instruction to the Committee, That this Act extend to no other Persons than such as are Comprehended in the Test Act of the Twenty fifth of King *Charles* the Second?

It was Resolved in the Affirmative.

It is Ordered by the Lords Spiritual and Temporal, in Parliament Assembled, That it shall be an Instruction to the Committee of the whole House, to whom the Bill, Intituled, *An Act for preventing Occasional Conformity*, is Referred, That this Act shall extend to no other Persons than such as are comprehended in the Test Act of the Twenty fifth of King *Charles* the Second.

Then the House was Adjourned during pleasure, and put into a Committee on the said Bill. After some time,

The House was Resumed, and the Lord *Herbert* Reported, That the Committee had made some progress in the Bill, and desire another time may be appointed for them to Sit again.

It is Ordered by the Lords Spiritual and Temporal, in Parliament Assembled, That this House shall be put into a Committee again, to proceed upon the Bill, Intituled, *An Act for preventing Occasional Conformity*, to Morrow, and all the Lords Summoned to attend.

*Die Veneris, 4 Decemb. 1702.*

Then the House was Adjourned during pleasure, and put into a Committee upon the Bill, Intituled, *An Act for preventing Occasional Conformity.*

After

After some time,

The House was Resumed, and the Lord *Herbert* Reported, That the Committee had made some further progress in the Bill, and desire another time might be appointed for them to proceed on the said Bill.

Ordered, That this House shall be put into a Committee again to proceed upon the said Bill on *Monday* next, and all the Lords Summoned.

*Die Luna, 7 Decemb. 1702.*

The House was Adjourned during Pleasure, and put into a Committee upon the Bill, Intituled, *An Act for preventing Occasional Conformity.*

The House was Resumed, and the Lord *Herbert* Reported, That the Committee had gone through the said Bill, and think it fit to pass with several Amendments and Provisoos, which were Read twice, and agreed to, and the Provisoos Ordered to be Ingrossed.

Ordered, That the said Bill shall be Read a Third time on *Wednesday* next, and all the Lords Summoned to attend.

*Die Mercurii, 9 Decemb. 1702.*

*Hodie tertia vice lecta est Billa*, Intituled, *An Act for preventing Occasional Conformity.*

Then a Clause was offered as a Rider to be part of this Bill, which being Read three times, was agreed to.

Then the Question was put, Whether this Bill with the Amendments, Provisoos, and Rider shall pass?

It was Resolved in the Affirmative.

A Message was sent to the House of Commons by Sir *Robert Legard*, and Doctor *Edisbury*, to Return the said Bill, and desire their Concurrence to their Lordships Amendments made thereto.

*Die Jovis 17 Decemb. 1702.*

A Message was brought from the House of Commons by Mr. *Granville*, and others, to acquaint this House, That the Commons desire a Conference with their Lordships, upon the subject Matter of the Amendments made by their Lordships to the Bill, Intituled, *An Act for preventing Occasional Conformity*, to which the House agreed.

Then the Commons were called in, and told that the Lords agree to a Conference as desired, and appoint it presently in the Painted Chamber.



Then the Lords following were named Managers of the Conference, (*viz.*)

Dux Devon. Senescal.	Dominus Lawarr.
Dux Somerset.	Dom. Ferrers.
Dux Bolton.	Dom. Wharton.
Co. Carlisle, Marefcal.	Dom. North.
Co. Peterborow.	Dom. Grey, W.
Co. Stamford.	Dom. Mobun.
Co. Sunderland.	Dom. Raby.
Co. Essex.	Dom. Rockingham.
Co. Anglesey.	Dom. Herbert.
Co. Berkeley.	Dom. Haversham.
Co. Torrington.	Dom. Sommers.
Co. Scarborough.	Dom. Halifax.
Co. Orford.	
Vic. Townshend.	

The Commons being come to the Conference, the Manager Names were read.

Then the House was Adjourned during Pleasure, and the Lords went to the Conference, which being ended ;

The House was Refumed, and the Lord Steward Reported, That the Lords had attended the Conference, which was Managed for the Commons by Mr. Bromley ; who acquainted their Lordships, that the Commons agreed to some of their Amendments made to the said Bill, and to other Amendments they disagree, and made Amendments to one of their Lordships Amendments, and delivered their Reasons, as follow :

To the first Amendment made by your Lordships to the Bill, Intituled, *An Act for preventing Occasional Conformity*, in Skin the first, line the sixth, the Commons do agree.

To the second and third Amendments, line 10, and 11, the Commons disagree.

First, Because that the recital, That every Person to be admitted into any Office or Imployment, should be Conformable to the Church, as it is by Law Established, is confined to such Laws as Enact, That every such Person shall receive the Sacrament of the Lord's Supper, according to the Rites and Usage of the Church of England.

Secondly, Because the Corporation and the Test Acts which have been frequently Evaded, and are by this Bill intended to be made Effectual, do provide, That all Persons to be admitted into any Office or Imployment, in pursuance of those Acts, should

should receive the Sacrament of the Lords Supper, according to the Rites and Usage of the Church of *England*; and all Persons under such Obligation to receive the Sacrament, the Commons conceive are obliged to be conformable to the Church, as it is by Law Established.

To the Fourth Amendment, line the 20th, the Commons disagree, because it depends upon the former.

To the Fifth Amendment, second Skin, line the 4th, the Commons disagree, because your Lordships admit this Bill to be reasonable as to the Officers and Persons described in the former part of this Clause, and the Commons see no reason why this Bill should not equally extend to the Persons and Officers described in the latter part thereof, left out by your Lordships in this Amendment.

Secondly, your Lordships leaving out in this Amendment these words, (*viz.*) [*who by the Laws are obliged to receive the Sacrament of the Lord's Supper according to the Rites and Usage of the Church of England*] may countenance an Opinion that the Persons described in the words left out by your Lordships, are not obliged to receive the Sacrament.

Thirdly, those words do equally refer to the Persons described in the former part of this Clause, to which your Lordships have agreed, as to the Persons described in your Lordships Amendment, and the Commons take it to be very evident, that every Person described in this Clause, as sent up to your Lordships, is obliged to receive the Sacrament of the Lord's Supper, according to the Rites and Usage of the Church of *England*.

To the sixth Amendment, line the 20th, the Commons do agree.

To the seventh Amendment, line the 30th, the Commons have agreed, with some Amendments.

To the eighth Amendment, line 34. the Commons have disagreed, because (tho' many other Reasons might be offered, from which the Commons can never depart, yet at this time they think it sufficient to say) that the Penalties left out by your Lordships in this Amendment, are reasonable, and no more than what are necessary to make this Bill effectual.

To the Ninth Amendment, Third Skin, Line the Ninth, the Commons Disagree, because they think the Penalty of Incapacity, as qualified by the subsequent Proviso, is a proper Punishment for this Offence; and the Commons Conceive it necessary to encrease the Penalty upon a second Offence, as has been practised in many other Cases.

To Clause (A.) the Commons Agree.

To

To Clause (B.) the Commons Disagree, because as this Bill takes away no one Privilege that the Dissenters have by Law, so the Commons cannot think it fit to give them any new Privilege by it.

To Clause (C.) the Commons Disagree, because the Commons Conceive there is no Occasion for it.

To Clause (D.) the Commons Disagree, because the Commons think it necessary that the Bill should equally extend to all Persons, before recited, as obliged to Receive the Sacrament, and see no reason for the Distinction made thereby.

To Clause (E.) the Commons Disagree, because if such Persons are obliged to Receive the Sacrament, there is no reason to Exempt them out of this Bill, and if they are not obliged, the Clause is unnecessary.

Then the first Amendment to which the Commons Disagree was Read.

Whereupon it was proposed to Adjourn.

Then the Question was put, Whether this House shall now proceed upon the Report of the Conference and Amendments made to the Bill.

It was Resolved in the Affirmative.

Then the first Amendment Disagreed to by the Commons was Read again, (*viz.*)

First Skin, Tenth Line, after [*scrupulous*] read [*but.*]

Eleventh Line leave out from [*whereas*] to [*several*] in the Sixteenth Line. This Amendment postponed. In the Twentieth Line leave out [*such.*] This Amendment postponed.

Second Skin, Fourth Line, leave out from [*Family*] to [*shall*] in the Fifteenth Line.

It was proposed to insist on the Amendment made by this House.

After Debate,

The Question was put, Whether this House shall insist upon the Amendment, (*viz.*)

Second Skin, Line Fourth, leave out from [*Family*] to [*shall*] in the Fifteenth Line.

It was Resolved in the Affirmative.

Second Skin, 33d Line, after [*aforesaid*] add [*or at any Meeting where the Liturgy is used, and where Her Majesty and the Princess Sophia shall not be prayed for in express words, according to the Liturgy of the Church of England.*]

Then the Commons Amendments made to their Lordships Amendment being Read, were Agreed to, with the Addition of these words (*viz.*)



*In Pursuance of the Act passed in the First Year of King William and Queen Mary, Intituled, An Act Declaring the Rights and Liberties of the Subject, and Settling the Succession of the Crown; and the Act passed in the Twelfth and Thirteenth Year of King William the Third, Intituled, An Act for the further Limitation of the Crown, and better Securing the Rights and Liberties of the Subject.*

Then this Amendment being Read, ( viz. ) 34th Line, leave out [ 100 l. and 5 l. per Diem that any such Person or Persons shall Continue in the Execution of such Office or Employment ] and instead thereof insert [ Twenty Pounds, to be divided into Three Parts, whereof One Third part to Her Majesty, One other Third part to the Informer, and the other Third part to the Poor of the Parish where the Offence shall be Committed. ]

Ordered and Agreed to insist on this Amendment.

Ordered, That this House will proceed on these Amendments to Morrow after the Cause, and that all the Lords be Summoned.

*Die Veneris 18 Decembris, 1702.*

The Order being Read for proceeding upon the Amendments made to the Bill, Intituled, *An Act for Preventing Occasional Conformity.*

The Amendment in the Third Skin, the Ninth Line, leave out from [ *aforesaid* ] to the end of the Bill, was Read,

Ordered, To insist on this Amendment.

Then the Clauses ( B. ) ( C. ) ( D. ) and ( E. ) being severally read.

Ordered, To insist on the said Clauses.

Then the postponed Amendment in the Preamble, ( viz. ) First Skin, 10th Line, after [ *scrupulous* ] Read [ *but* ] 11th Line, leave out from [ *whereas* ] to [ *several* ] in the 16th Line being Read,

Ordered, To insist on these Amendments.

Then the Amendment, Twentieth Line, leave out [ *such* ] being Read.

Ordered, To insist on this Amendment.

Then Lords Committees were appointed to Draw Reasons to be Offered at a Free Conference for the Lords insisting on their Amendments made to the Bill, Intituled, *An Act for Preventing Occasional Conformity*: Whose Lordships are to inspect the Records for Presidents where Bills have begun in the House of Peers with Penalties in them, as also where Bills have begun with Penalties in the House of Commons, which Penalties have been altered in the House of Peers, and Report to the House.

Their Lordships or any Three of them to Meet to Morrow at Ten a Clock in the Forenoon in the Princes Lodgings.

Ordered by the Lords Spiritual and Temporal in Parliament Assembled, That the Managers be the Committee, and all the Lords present the Seventeenth Instant to be the Managers.

*Die Veneris 8 Januarii, 1702.*

The Lord Steward Reported from the Lords Committees appointed to inspect the Records for Presidents where Bills with Penalties have begun in the House of Peers, as also where Penalties in Bills begun in the House of Commons, which Penalties have been altered in the House of Peers.

By which Report it appears, That from the Twelfth Year of King *Henry* the Seventh (there being no Records before that time remaining in the Parliament Office) to the Twelfth of King *William* the Third, there are many Acts with Penalties which begun in the House of Lords, and also many Acts for the Reviving and Repealing of Acts begun there, and also many Presidents of Acts of Parliament with Penalties begun in the House of Commons, where the Lords have Increased, Lessened and Altered the Penalties, and have distributed them otherwise than was done by the House of Commons.

They find Presidents of this kind in an uninterrupted Course in every Reign, almost in every Parliament, and in every Sessions, excepting the Reign of King *James* the Second. The Report is very long, and contains several Hundreds of Presidents in Number.

The Lord Steward also Reported from the Lords Committees, the Reasons Drawn by them for their Lordships insisting on their Amendments to the Bill, Intituled, *An Act for Preventing Occasional Conformity*, which were Read and Agreed to by the House, as followeth:

The Lords insist on the Second and Third Amendment in the Preamble of the Bill:

Because the Words left out of this Amendment are introductive to the Clause left out by their Lordships in the Fifth Amendment. Besides as the Law now stands, there are many Offices and Employments, to which Persons may be Admitted without being under an Obligation to Receive the Sacrament on that Account, and therefore they cannot agree to let a Clause stand wherein a matter of Fact is positively Affirmed, which they take to be otherwise.

The Lords insist on the Fourth Amendment, Because it depends on the Former.

The Lords insist on their Fifth Amendment, Because the Act of the 25th of King *Charles* the Second called the *Test* Act; which

which has been found by Experience, to have been an effectual Security against Popery, and which their Lordships are willing to Inforce yet further by this Bill, as to the Dissenters is known to every Body, and it is generally Understood to what Employments it does Extend; and therefore their Lordships think it reasonable to rest there, and not to Subject Men to the Penalties of this Bill, upon General or uncertain Words.

2. The Lords do not go about to take away the Force of the Corporation Act, or to lessen any Security the Church of *England* has by it, but cannot Agree to Extend the Penalties of this Bill, to the General words of that Act, which by Construction hereafter, may serve Purposes which are not owned at present to be the Intent of this Bill.

The Lords insist on their Eighth Amendment, which relates to the Punishments as they stood, when the Bill was sent up from the House of Commons.

Whatever regard their Lordships may have to Reasons, which the House of Commons are Resolved never to depart from, they hope it will not seem Strange, that they are not Convinced by such Reasons as are not thought fit to be Offered.

But in Justification of their Amendment, their Lordships think fit to say, That as they have an undoubted Right to begin Bills with Pecuniary Penalties, and to alter and distribute Pecuniary Penalties in Bills sent up to them by the House of Commons (which Right their Ancestors have always Enjoyed; and from which their Lordships can never Depart) so they are convinced there never was a more just Occasion of making use of that Right, than in the present Case.

2. They Conceive the Penalty of One hundred Pounds, and Five Pounds a day for every day after the Offence Committed, to be Excessive; and the whole being given to the Informer, would prove a dangerous Temptation to Perjury, and a pernicious Encouragement to Informers, the most odious Sort of Persons, which would be a Blemish on the best Reign.

Their Lordships have given a sufficient Proof of their Willingness, to make this Bill as Effectual as will Consist with Reason, by agreeing to such a Pecuniary Penalty (besides the loss of Office) as may be a proper Encouragement to Informers to Swear the Truth, tho' not perhaps a sufficient Temptation to go further.

As to the Ninth Amendment,

The Commons say, they Disagree,

Because they think Incapacity a proper Punishment for this Offence. The Lords insist upon their Amendments, because they think directly the Contrary.

2. Their Lordships observe, that as the Law now stands,



any Person having an Office may be present at Mass upon much easier Terms, than he might be present at a Conventicle, if the Lords should depart from this Amendment.

3. The Lords think, that an *English* Man cannot be reduced to a more unhappy Condition, than to be put by Law under an Incapacity of Serving his Prince and Country, and therefore nothing but a Crime of the most Detestable Nature, ought to put him under such a Disability, they who think the being Present at a Meeting to be so High a Crime, can hardly think, that a Toleration of such Meetings ought to Continue long, and yet the Bill says, The Act of Toleration ought to be kept Inviolable.

The Lords do not think it at all Necessary, to make any increase of Punishment for a Second Offence, because the First Offence is made Forfeiture of Office, and when the Office is gone, the Person may go to a Meeting without Breach of any Law while the Act of Toleration Continues; and if he shall afterwards get another Office, he will Forfeit the same, and incur the Penalties in this Act, if he shall ever after be Present at a Conventicle, which their Lordships think Sufficient Punishment for a Second Offence.

2d Skin, 33d line. The Lords Agree to the Commons Amendments to their Lordships Amendment, with the Addition of the Words following, after the Words [*prayed for*] viz. *In pursuance of the Act passed in the First Year of King William and Queen Mary, Intituled, An Act Declaring the Rights and Liberties of the Subject, and Settling the Succession of the Crown; And the Act passed in the 12th and 13th of King William the Third, Intituled, An Act for the further Limitation of the Crown, and better Securing the Rights and Liberties of the Subject.*

The Lords insist on the Clause ( B. )

Because to leave Protestant Dissenters subject to Penalties, if they do not Accept of Offices, and at the same Time to Restrain them, if they Accept of them upon the Penalties of this Bill, from doing what they think themselves Obligated to in Conscience, is persecution for Conscience, and does not agree with what is set forth in the Preamble of the Bill.

The Lords Insist on Clause ( C. )

Because they see no Reason, why being present at Sermons or Lectures Preached or Read in the Universities, and Established by Ancient and very good Intentions, should subject Men to the Danger of incurring the Penalties of this Law; and the same Clause was thought necessary in the Act of Uniformity.

The Lords insist on Clause ( D. )

Because the Foreign Reformed Churches, allowed, or to be allowed,

allowed, were by the Act of Uniformity Exempted from the Penalties of that Law; and other Foreign Protestants who have been Forced out of their own Country by a Cruel Persecution, having Settled here in *England*, by Encouragement from Parliament, as well as from the Crown; It would have a strange Appearance, if it should be thought so High an Offence for any of Her Majesties Subjects in Office, but Once to be Present at their Way of Worship: This would give such a Discountenance to those of the same Religion abroad, as would no way Suit with Her Majesties Character of Head of the Protestant Interest in *Europe*.

The Lords insist on Clause (E.)

Because the Persons concerned in it, have no Profit nor any Trust but what relates to the Poor; and without this Clause, Charitable Foundations, as Hospitals, Publick Workhouses and the like, would meet with Discouragements, and the Number of them might be lessened.

Then a Message, was sent to the House of Commons by Sir *Robert Legard* and Doctor *Edisbury*, to Desire a Conference with the House of Commons, to Morrow at Twelve a Clock in the Painted Chamber, upon the Subject Matter of the last Conference, upon the Bill, Intituled, *An Act for Preventing Occasional Conformity*.

*Die Sabbati, 9 Januarii, 1702.*

The Messengers sent Yesterday to the House of Commons to Desire a Conference, return Answer, That the Commons Agree to a Conference as Desired.

The Commons being come to the Conference, the last Managers Names were read; Then the House was Adjourned during Pleasure, and the Lords went to the Conference which being ended, The House was Resumed, and the Duke of *Bolton* Reported, That the Lords had delivered the Bill with their Reasons to the Commons.

*Die Mercurii, 13 Januarii, 1702.*

A Message was brought from the House of Commons by Mr. *Annesley* and others, to Desire a Free Conference upon the Subject Matter of the last Conference, upon the Bill, Entituled, *An Act for Preventing Occasional Conformity*.

To which the House Agreed, and Ordered the same to be on *Saturday* next, at One a Clock in the Painted Chamber.

Then the Commons were called in and told, That the Lords Agree to a Free Conference as Desired, and Appoint it to be on *Saturday* next, at One a Clock in the Painted Chamber.

*Die Sabbati, 16 Januarii, 1702.*

The House being Informed, That the Commons were come to the Free Conference, the Managers Names were read.

Then the House was Adjourned during Pleasure, and the Lords went to the Free Conference, which being ended,

The House was Resumed, and the Lord Steward Reported, That they had attended the Free Conference, and that Mr. *Bromley* acquainted their Lordships, that the Commons had agreed to an Amendment, that the Lords had made to their Amendment, (*viz.*) 2 Skin, 33 l. and that the Commons had insisted on their Disagreement to the Lords other Amendments.

Which Report of the Free Conference is as followeth :

The Managers for the Lords at the Free Conference, were the Duke of *Devonshire*, Lord Steward, the Earl of *Peterborough*, the Lord Bishop of *Salisbury*, the Lord *Sommers*, and the Lord *Halifax*.

The Lords of this House who were commanded to Manage the Free Conference with the Commons, on *Saturday* the 16th of *January*, did meet the Commons, and the Free Conference was begun by the Managers for the Commons, who were Mr. *Bromley*, Mr. *St. John*, Mr. *Finch*, Mr. *Solicitor General*, and Sir *Thomas Powis*.

They acquainted the Managers for the Lords, that the Commons had agreed to the addition of words their Lordships had made to the Commons Amendmentsto the Lords Amendment in the 2d Skin, l. 33. but insisted on their Disagreement to the Lords other Amendments, and to their Lordships Clauses Marked *B, C, D, & E*, and therefore had desired this Free Conference with the Lords, in order to preserve a good Correspondence between the two Houses.

That the Interests of the Church and State were not to be supported without it, and that the Commons might omit nothing to maintain a good Correspondence they had taken this way, which had been Practiced with so good success by their Ancestors.

That the Intent of this Bill for preventing Occasional Conformity is only to restrain, to put a stop to a very Scandalous Practice, which is a Reproach to Religion, gives Offence to all good Christians, and to the best among the Dissenters themselves.

That this Bill Enacts nothing new ; that it is intended to make the Laws in being more effectual.

That those Laws were thought sufficient to secure our Establishment ;



Establishment; but since the Invention, since the Iniquity of Men had found out ways to evade and elude them, the Commons would never doubt but the Lords would let these Men see they would not be wanting on their part, to Maintain and Support it; That this Bill appears to the Commons absolutely necessary for the preventing those Mischiefs which must prove destructive to the Church, and the Monarchy.

That the Commons were incapable of having any Designs they were ashamed to own: That they designed nothing but the preservation of the Church of *England*, and the Monarchy, and doubted not to meet with a ready Concurrence from the Lords in their designs.

That an Established Religion, and a National Church, are absolutely necessary, when so many ill Men pretend to Inspiration, and when there are so many weak Men to follow them.

That if a National Church be necessary, the only effectual way to preserve it, is, by keeping the Civil Power in the Hands of those whose Practices and Principles are Conformable to it.

That when the Corporation Act was made, the Parliament had fresh in their Minds the Confusions and Calamities that had been brought upon the Nation, by such as pretended to be at the same time in the true Interest of Religion and their Countrey: That the Parliament by that Act, and afterwards by the Test Act, thought they had Secured our Establishment both in Church and State, and that they had provided a sufficient Barrier to Defeat and Disappoint any Attempts against them, by Enacting, That all in Offices should Receive the Sacrament of the Lords Supper, according to the Rites and Usage of the Church of *England*, and never imagined a Set of Men would, at any time, rise up, whose Consciences were too tender to obey the Laws, but hardened enough to break thro' any.

That as upon the Revolution, the last Reign began with an Act in Favour of the Dissenters, so the Commons do Desire, in the beginning of Her Majesties Auspicious Reign, an Act may pass in Favour of the Church of *England*, That the Laws which have been Invaded may now be effectually Inforced; and that those Men may be kept out of Offices, who have shewn they never wanted the Will, when they had the Power, to Destroy the Church.

That nothing had been more Misrepresented, than this Bill.

That this Bill does not Intrench on the Act of Toleration, and in no respect effects what is Enacted by it.

That this Bill takes not from the Dissenters any One Privilege they have by Law.

That this Bill gives not any One Priviledge to the Church of *England*, which is not ( at least ) intended her by the Laws as they now stand.

Their Managers then acquainted the Lords, That the Commons insisted on their Disagreement to the Second and Third Amendments made by the Lords in the Preamble of the Bill, and on their Disagreement to the Fourth Amendment, and Argued,

That a Preamble is to Declare the Occasion of making a Law, it makes no Law, and if it be proper to the Enacting Clause, 'tis a proper Preamble.

That the Propositions advanced in this Preamble are these, That whatsoever Persons are Enacted to Qualifie themselves, the Laws intend should be Conformable to the Church.

That if the Laws Provide, they shall Receive the Sacrament, and by that intenda Conformity; then whosoever breaks the Intention of the Laws, breaks the Law, or at least evades the Law, and it is fit to Secure us against such Practices.

That if it be fit the Corporation Clause should stand in the Body, the Lords Reasons for the Amendments in the Preamble will not be of Weight.

That the Preamble mentions such Persons and such Offices, which must be the Persons and the Offices the Act relates to, and can be no other.

That the word Enacting can only be understood of the Laws that do so Enact, being relative, is still more plain and necessary.

That however, and if the Lords had pleased, they might, by a very little Amendment, have obviated the Objection they make to these words, by changing *every Person* into *several Persons*; which would have reconciled them to the most Rigid Construction.

Then their Managers acquainted the Lords, That they insisted on their Disagreeing to the Fifth Amendment, and Argued,

That the words in the Test Act are more general and uncertain than those in the Corporation Act, which their Managers Cited and Compared.

That the words in the Corporation Act have been there more than Fourty Years without any inconveniency from them, or any Complaint against them for their being too General and Uncertain.

That the Inducements for passing the Corporation Act, according to the Preamble, were, That a Succession in Corporations might be perpetuated in the Hands of Persons well Affected

cted to the King and the Established Government, and for the Preservation of the Publick Peace both in Church and State.

That these were the Purposes the Commons Designed in the Passing this Law.

That these Purposes the Commons know the Lords will with them own are very proper to be attained, and that the Commons cannot at no time disown, because they can at no time have any other.

That the Lords Agree this Bill should relate to Officers in the Test Act, because the Law intends those Officers should be Conformable; and if the Intention of that Law be the Reason to Provide against such Evaders of it, the like Intention in the Corporation Act will serve for a Reason to Provide against the Evaders of the Corporation Act.

That by Occasional Conformity the Dissenters may let themselves into the Government of all the Corporations, and 'tis obvious how far that would influence the Government of the Kingdom.

That to separate from a Church which has nothing in it against a Mans Conscience to Conform to, is Schism.

That Schism is certainly a Spiritual Sin, without the superadding of a Temporal Law to make it an Offence.

That Occasional Conformity Declares a Mans Conscience will let him Conform, and in such a Man Non Conformity is a wilful Sin, and why should Occasional Conformity be allowed in Corporations? when the Lords Agree, That out of Corporations it ought not to be allowed.

That if it be Reasonable, as the Lords allow it is, That he who hath an Office out of a Corporation, tho' it Intitles him perhaps to very little Profits or Trust, should be Conformable; it is certainly much more Reasonable, That another who is trusted with Magistracy and Power in a Corporation, and has thereby a greater Influence, should be Conformable.

The Managers for the Commons insisted on their Disagreeing to the Lords Eighth Amendment, and Argued,

That if the Lords were pleased to Consider how much greater the Penalties and other Penal Laws were, in many Instances than in this Bill, they presumed the Lords would not think those in this Bill excessive.

That in laying Penalties, the Commons shall always endeavour to make them such as shall neither Tempt to Perjury, nor totally Discourage Information and Prosecutions, which they thought this Amendment of the Lords would do, should the Commons Agree to it.

Their



Their Managers insisted on their Disagreement to the Lords Ninth Amendment, and Argued,

That the Punishment of Incapacity, the Recapacitating and the Increase of Punishment for a Second Offence, are warranted by many Presidents of the like nature in other Penal Laws.

That an Incapacity, as qualified by the subsequent Proviso, is a very proper Punishment ; That a Second Offence is a Relapse and an Apostacy, which are Circumstances that aggravate and make it more heinous than the First Offence, and therefore deserve an Increase of Punishment.

That he is indeed reduced to a very unhappy Condition, who is made incapable of Serving his Prince and Countrey ; but in the present Case our Prince and Countrey would be in a more unhappy Condition to be served by such, whose Principles are inconsistent with the Good and Welfare of our Establishment.

That the Commons could never imagine the Lords could infer from this Incapacity, the taking away the Toleration.

That the Toleration was intended only for the Ease of Tender and Scrupulous Consciences, and not to give a Licence for Occasional Conformity.

That Conforming and Non Conforming are Contradictions, nothing but a firm Persuasion that our Terms of Communion are sinful and unlawful can justify the one, and that plainly Condemn the other.

For their insisting on their Disagreeing to the Clauses marked B, C, D, and E. their Managers offered these Reasons.

That the exempting Protestant Dissenters from serving Offices would rather Establish Occasional Non Conformity than Prevent Occasional Conformity, and therefore Increase not Cure the Evil the Bill was intended to Remedy.

That the Act of Uniformity, which Established the Liturgy and Practice of the Church of *England*, has provided for the Sermons or Lectures Preached or Read in the Universities.

That those Sermons and Lectures having been in such manner provided for, it was not thought necessary when the Act passed in the 16th and in the 22th Car. 2. to Prevent and Suppress Seditious Conventicles ( in both which Acts Conventicles are described, as in this Bill ) to have any particular Exceptions for them, and yet they were never by any Constructions taken to be Conventicles.

That the Allowing an Exemption to such as should be present at the Exercises in the Foreign Reformed Churches would be to open a Door for the Evading this Law.

That

That the Places of Governors of some Hospitals are very Considerable Preferments, and given as such to the Clergy of the Church of *England*, and the Commons can never Consent by any Law to let in the Dissenters to the Injoyment of them.

The Managers for the Lords did maintain the Alterations made in the Bill, and the Clauses added to it.

The Substance of what was said by your Managers was, That the Lords were as desirous as the Commons to preserve a good Correspondence betwixt the two Houses.

That by their Agreeing so far as they have done to this Bill, they have gone a great way for the preventing the Evil this Bill is intended to Remedy, and own it to be a scandal to Religion, that Persons should Conform only for a Place.

That the Lords do not take going to a Meeting to be *malum in se*, for that the Dissenters are Protestants, and differ from the Church of *England* only in some little Forms, and therefore the Lords think loss of Office a sufficient Punishment, without an Incapacity.

That it can never be thought those of the better sort will be guilty of this Offence, if they are, they lose their Offices, and loss of Office is a severe Penalty in Inferior Officers of the Customs, and Excise, and who have little else to subsist on; in short, they will be undone by the loss of their Office; and this the Lords think severe enough, without carrying it much further; this is yet more considerable in Patent Places, which by a common Custom are bought and sold, and are of the nature of Freeholds.

That Incapacity is too great a Penalty, and that it is hard to imagine any Offence, that is not Capital, can deserve it.

That there is no more reason to Punish this Offence with Incapacity, than to make it Felony.

That the Dissenters are not obnoxious to the Government, as when the Corporation Act was made.

That the most Considerable Persons of the Dissenters are well affected to the present Constitution, and are hearty Enemies to the Queens and Kingdoms Enemies.

That in some Corporations the Lords take the Election of Members to serve in Parliament, to be only in such as are concerned in the Government of them, as at *Buckingham, &c.* and the Lords would not by this Bill deprive Men of their Birthrights.

That the Lords do not think fit to bring any greater hardships upon the Dissenters, since great advantages have accrued from the Act of Toleration.

That the Dissenters had formerly been Seditious, and had appeared

appeared in open Rebellion, they then declared both against Church and State.

But of late in the greatest extremity of the Church, they joined with her, when the Bishops were in the Tower, the Dissenters shewed they had no prejudice to the Church, and so they have continued to behave themselves.

That the Lords did equally desire a good Correspondence betwixt the two Houses, and were so satisfied of the necessity of Union at this time, that they thought all Measures fatal that might create any Divisions amongst Protestants at home, or give any Check to the necessary Union amongst our Allies abroad, of the Reformed Religion.

For which Reasons, in a time of War they thought Alterations unnecessary, and dangerous, and were unwilling to bring any real hardships upon the Dissenters at this time, or give them any cause of Jealousies or Fears.

That the Toleration hath had such visible and good effects, hath contributed so much to the Security and Reputation of the Church of *England*, and produced so good a temper amongst the Dissenters, that the Lords are unwilling to give the least discredit to that Act; being sensible that Liberty of Conscience, and gentle Measures are most proper, and have been found most effectual toward increasing the Church, and diminishing the number of Dissenters.

That the Lords apprehend that some parts of this Bill by them amended, have an Air of Severity improper for this Season; that tho' there may be some things to be found fault with, yet a proper time ought to be taken to apply Remedies; that the attempting too hasty Cures, have often proved fatal.

That the Lords could not conceive, the Interest of the Church and State were not to be Supported without this Bill; since in case of such danger, and necessity; this Remedy must have been proposed before now, by some of those Worthy Members of the Church of *England*, who in so many Parliaments since the Toleration, have shown so much Zeal for the National Church and Government.

That the Lords think they have sufficiently shewn their dislike to the Practice of Occasional Conformity, on which they inflict no less a Punishment than loss of Place, and have consented likewise to a reasonable Fine to be laid on those who are proved guilty of this Crime.

The Lords cannot but conceive, That if this Bill did Enact nothing New, there would not be such a Contest about it; that it is plain, tho' Occasional Conformity ought always to have been esteemed a Crime, but that the Practice

was



was New, and the Punishment provided by this Law New likewise, the Lords consent to a Punishment, but would proportion the Penalty to the Offence.

That the Commons give up this Argument, when they propose for new Invented Crimes, new Invented Punishments.

That as the Commons need not to be ashamed of Designs so laudable as the Preservation of the Church of *England*, and Monarchy, so the Lords conclude their desires of securing the Toleration Act, the Peace and Quiet of the Kingdom at home, and the Interest of the Nation abroad, will meet with a fair Construction, especially when they hope the Church is so well secured by her Doctrine, by the good Laws of the Realm, and the Protection of so Pious a Queen, assisted by a Parliament so well affected to the Church and State.

That the Lords not only allow the necessity of an Established Religion, and a National Church, but being likewise of that National Church, they can never be wanting to those Measures they think proper to secure it; and tho' by the first appearance the Members of the House of Commons may seem upon this Occasion the most Zealous Champions to the National Establishment, yet the Lords think the only Contest between them is, which shall most befriend and take care of the Church; the one would procure a hasty settled Submission, not so much to be depended upon, the other would obtain for her a more gradual but a safer advantage over those that Dissent from her, the same End being designed by both, and only some difference in the Means to attain it.

That the Lords do not well understand the Inference, that as upon the Revolution the last Reign began with an Act in favour of the Dissenters, so the Commons do desire in the beginning of Her Majesties Reign, an Act may pass in favour of the Church. The Lords conceive, that both Reigns began upon the same Bottom and Foundation; and that as in this Reign Her Majesty hath been pleased to give Gracious Assurances as to Liberty of Conscience, so in the last, the Church ever met with Protection and Support.

That the Interest of both Princes is to Support the Church against her Enemies; that it is hard, as well as untrue to say of the Dissenters, they never wanted the Will, when they had the Power to destroy the Church and State; since in the last and greatest Danger the Church was exposed to, they joyned with her with all imaginable Zeal and Sincerity against the Papists, their Common Enemies, shewing no prejudice to the Church, but the utmost respect to her Bishops, when sent to the Tower; and that ever since they have continued to shew all the Signs of Friendship and Submission to the Government of Church and State.

That

That in truth, formerly the Dissenters had been Seditious, and in Arms and Opposition to the State and Church; but it was the Effect of Persecution, and that even then, they were open and avowed Enemies, but that Toleration and Tenderness had never missed of procuring Peace and Union, as Persecution had never failed producing the contrary Effects.

That the Lords cannot think the Dissenters can properly be called Schismaticks, at least that differ in no essential Point; that such an Opinion allowed, would bring a heavy Charge upon the Church of *England*, who by a Law have Tolerated such a Schism; That Connivance hath been used to Schismaticks; That Publick Allowance was never given to such, and the Churchmen having allow'd Communion with the Reformed Churches abroad, Professing *Calvinism*, it must follow, they hold them not Guilty of Schism, or could not allow Communion with them.

That this Bill inflicts a Second Punishment on those who fled from *France* for their Religion, That they sought a very improper Refuge amongst those that must think them Guilty of Schism, and must use them accordingly; That this may be used as an Argument to Justify even the Persecution in *France*: Why may not the Roman Catholicks with reason Banish those, that even Protestants can hardly Endure amongst them, and for whose Doctrine and Practice they shew such an Aversion, that a Man must forfeit his Place, and undergo a hard Penalty but for entering Once into their Congregation.

That the Lords cannot depart from the Clause relating to the *Dutch* and *Walloon* Churches so long Established amongst us, least it should give great Disgust and Offence to our Allies abroad; and at the same time forfeit the greatest Character can be given a Church, that of Tenderness and Charity to Fellow Christians; the Contrary Practice being what is so much abhorred amongst Roman Catholicks.

That tho' the Lords allow, That no Man hath a Place by Birthright, or but few such Examples in Our Government, yet that giving a Vote for a Representative in Parliament, is the Essential Privilege whereby every *English* Man preserves his Property; and that whatsoever deprives him of such Vote deprives him of his Birthright.

The Lords are of Opinion, The Dissenters should have Liberty of Conscience, but Agree to the further Measures proposed by the Commons, to allow neither Dissenters, nor Occasional Conformists any share in the Government; but they take this to be the great Security for the Established Religion, that all who Sit in the House of Commons must be Churchmen, and the difference between a Churchman chose by Churchmen

men and chose by Dissenters is only this, that the former will be for using Severer, the other Gentler means, for bringing the Dissenters into the Church.

That the Disagreeing to the Clause relating to Workhouses where the Poor were Employed and Relieved, seems very hard, since it could never be Conceived, That the Distribution of some Presbyterian Bread to the Poor, and Dissenting Water-Gruel to the Sick, could ever bring any Prejudice to the Church of *England*; especially by such that having no Authority in the Government, or Profit by the Administration of such Charities, gave them indifferently to those of all Persuasions.

Allow them Charity to cover their Sins, which God allows and Commands.

That the Lords Conceived the Act of Toleration, had visibly proved to the Advantage of the Church, that even the Practice of Occasional Conformity in a few, as it had done great Prejudice to the Dissenters, so had it added to the Reputation and Authority of the Church; the Dissenters having determined the Point against themselves by this Practice, for if they can Conform for a Place, much more ought they to do so in Compliance with the Law, and for the sake of Unity.

But one or two Instances of this in so long a time.

That the Lords are of Opinion, the Dissenters are coming into the Church, and that nothing but terrifying Measures and Severity can prevent the happy Union.

The main Design of this Bill, is to Secure the Church of *England*, and in this the Lords do perfectly Agree with the Commons, both sides of the House joyn in it with equal Zeal; and the main Point of this Bill being the excluding all Persons from Employments of Trust, who joyn themselves to any other Bodies for Religious Worship, besides the Church of *England*; The Lords do Agree intirely with them likewise in this; all the Difference is, what further Penalties should be laid, besides the Forfeiture of the Employment, on Persons so offending.

The Lords look on the fixing of Qualifications for Places of Trust to be a thing so intirely Lodged with the Legislature, that without giving any reason for it, upon any apprehension of Danger, how remote soever, every Government may put such Rules, Restraints, or Conditions, on all who serve in any Place of Trust, as they shall see Cause for; but Penalties and Punishments are of another nature.

*Draco's* Laws, by reason of their extream Severity, are said to have been writ in Blood; if Petty Larceny were made Capital here would be just Occasion for Censure.

There ought to be a proportion observed between the Offence



fence and the Punishment ; and Offences of a lower nature ought not to be punished more Severely than Offences of a higher nature.

Popery has been ever lookt on as that which we ought to apprehend and fear the most, and guard chiefly against it, being our most Inveterate, most Restless, and most Formidable Enemy ; and therefore there has been always a great Difference put between Papist and Protestant Dissenters, how bad and dangerous soever they may be.

There has been a spirit of Moderation eminently Conspicuous in the whole Progress of our Legislation, with Relation to that Religion, suitable both to the Natural Gentleness of this Government, and to the Charity which our Religion Teaches.

In the first beginning of our Reformation under *Edward* the Sixth, the Act of Uniformity was Conceived in Terms suitable to that Moderation.

( 2 & 3 *Edw. 6. cap. 1.* ) Any Clergyman that should use any other manner of Mass, wilfully standing in the same, or that should Preach against the Book of Common Prayer, for the first Offence was only to Forfeit one Years Profits of any one of his Spiritual Preferments, with Six Months Imprisonment : Here was a Mild Punishment, even of a Clergyman Offending, and yet that was not Inflicted, unless he continued Obstinate.

By the same Act, If any of the Laity should Procure or Compell any to use any other Form of Worship in a Cathedral or Parish Church ; even for so Publick an Affront to the Established Religion, he was only to be Fined in 10 *l.* or to suffer Three Months Imprisonment.

With this Gentleness was our Reformation at first set up ; and tho' perhaps, it may be suggested, that by this mildness Papists were so favourably used, that they had it soon in their Power to lay that Work in the Dust, and to burn those who had used them so Mercifully : Yet when things were happily Re-established by Queen *Elizabeth*, tho' the Penalties were a little heightened, still the Moderation of that time was Eminent.

A Clergyman that before for his first Offence had Forfeited one Years Profits, of any one Preferment, did by the Act of the Queen Forfeit One Year of all his Preferment, and the Procurers or Compellers of using another Form of Worship, even in a Cathedral, were Fined in an Hundred Marks.

With such Gentle Methods was our Reformation at first Established : And when the many Conspiracies against the Life of that Queen forced the Government to greater Severities, yet in the Statute of the Twenty third of the Queen, the hearing of Mass was indeed made more Penal, One hundred Marks was set for the Fine, with a years Imprisonment,

but

but with this Temper, that if the Person accused did before Judgment Submit and Conform, he was to be Discharged; this is the highest Severity to which our Laws have carried the Hearing of Mass, and here is an easie way provided to escape it. I need not observe that the Penalty of this Bill goes higher, and is not so easily avoided.

A Papist Convict, as soon as he Conforms himself, and Receives the Sacrament, is immediately Cleared; no Incapacity lies upon him: but this Act carries that matter further, to a Years Incapacity. A Papist that shall Relapse, and fall under a second Conviction, is only Convicted over again, without any Aggravation of the Censure; which by this Bill is much heightened upon a second Offence; so that the Penalties of this Bill are higher than any the Law has laid on Papists for assisting at the Solemnest Acts of their Religion. It is true, if a Papist shall hear Mass with Five Persons more than those of his own Family, he falls under the Penalties of this Bill; but all that have been Abroad, and are acquainted with the Methods of that Religion, even where it Acts in a full freedom, know that the practice of Solitary Masses among them is so common, that no Man of that Church is in danger of falling under any Penalty for having any Number about him in the Acts of their Worship.

When the first Act against Conventicles past, which is the Foundation of a great part of this Bill, the Fines set were Six Months Imprisonment, to be Redeemable by Five Pounds for the first Offence; a Years Imprisonment, to be Redeemable by Ten Pounds for the Second Offence; and Banishment was the Punishment for the Third Offence.

The Lords disliking that Severity, added a Clause for Redeeming that by an Hundred Pounds, and appropriated the Fine; The Severity of these Pains did not agree with the Temper of *English* Men, and the Act was not much Executed; some Years after that, a gentler Act was made, The Fines were then set at Five Shillings and Ten Shillings for the First and Second Offence; but no Man could be Fined above Ten Pounds for any Offence against that Act, except the Master of the House where the Conventicle was held, who was to be Fined in Twenty Pounds.

The Severity of this was intended to Force the Dissenters to Petition for the Toleration, that was then designed, and followed not long after; this Act was Executed in *Starling's* Mayoralty with the greatest Severity, at the time that *Madam* was at *Dover*. Soon after that Prosecution was Slackened, but after the Attempt made for the Exclusion, these Laws were again Executed for some Years, with great Severity, by a Popish Management. After they had set the Church against

the Dissenters, then, according to their wonted Acts, they studied to set the Dissenters as much against the Church.

When by such Methods we were reduced to the last Extremities, then was the late King Invited to come and Deliver us ; and after He had Secured our Religion, our Laws, and our Liberties, He, by the Act of Toleration which He passed, Quieted those Heats that had almost Consumed us : What ever some may think, He will be still reckoned among the greatest of our Kings, to Him we owed a long Continuance of a Flourishing Time, even during a great War, and it is to Him that we owe the great Happiness of Her Majesties being now on the Throne.

The Church has no Reason to Complain of the Effects of the Toleration, for as the Numbers of those who Divide from us do visibly Abate all over the Nation, so the Heat and Firmmentation which was Raised by those Divisions is almost entirely laid, and we cannot but look on that as a Happy Step towards the Healing of our Wounds.

But what may we not look for under the Reign of such a Queen ! Whose Example, whose Virtues and Zeal give us Reason to Hope for a Happy State of Matters in the Church, if undue Severities do not again Raise new Flames, and set a new Edge on Mens Spirits, which may Blast these Hopes, and Defeat the Success that we might otherwise Expect under such an Auspicious Reign.

Before the Act of Toleration past, while Conventicles were Illegal and Criminal Assemblies, yet even then a Man in Office, that was present at them, was only liable to a Fine of Ten Pounds : Whereas by this Bill, he is liable to a Fine of an Hundred Pounds for being present at them, tho' they have now an Impunity by Law : It does not seem so very suitable that the same Action shall be made Ten times more Penal after such an Impunity is Granted, than it was before the Passing that Law, while such Assemblies were Illegal.

This is yet more Extraordinary, with relation to the Churches of the Foreign Protestants, that were taken Care of even in the Act of Uniformity, so that these are Legal Assemblies, not only Tolerated but Allowed ; Now how unlimited forever the Legislature is as to the Qualifications necessary for all that hold any Place of Trust, yet it seems contrary to all known Rules, to lay a very heavy Penalty on any Action that is allowed by Law.

A known Maxim, with relation to all Laws that are highly Penal, is, That the Words expressing the Crime, ought to be Clear, and of a Determinate Sense ; not liable to Constructions and Stretches : Since the greatness of the Penalty may prove an Inducement to make those Stretches, and to carry them far be-



yond what is intended. The Crime so Penal by this Bill, is to be in a Meeting with Five more than the Family, under the Pretence of Religious Worship, other than according to the Liturgy and Practice of the Church of *England*: Now we know indeed what the Liturgy is, but it is not so easie to tell what the Importance of the Word Practice may be, or how far that may be carried, whether it is the Practice of Cathedral or Parochial Churches, and whether Practice shall Govern the Liturgy as in the not saying the Second Service at the Altar, or Christning after the Second Lesson? and whether all Family Prayer, if not by the Form of the Liturgy, is not Condemned? Tho' many Books for Family Prayers have been much recommended and commonly made use of.

In the Countrey, few Persons of Condition are so Retired, as not to have often Five more than their Family within their Houses; must these be Excluded from Family Prayer, if it is not according to the Liturgy, and may not even the Liturgy Prayers, without Psalms and Lessons, be likewise included within these words, or at least be carried to that by Vexatious Informers, and be so given by easie Juries, and partial Judges: It therefore seems Ensnaring and Unbecoming so Mild a Government, as ours happily is, especially when it is in such Hands, to lay so heavy a Penalty upon an Offence so dubiously Expressed.

But as the Penalty seems Excessive, and the words are of uncertain Signification, so the Lords do not approve of the Application of the Sums to be Raised by this Bill, that they should all go to the Informer. The Ancient Method was, to give them to the Crown, and to leave the Encouraging Informers to the Crown: It was one of those Trusts that were Lodged with the Sovereign; and so the Laws were to be Executed severely or more remissly as the Publick Occasions required; but by this Bill all is given to the Informer, One hundred Pounds for the Offence, and Five Pounds a Day for Three Months, both which may amount to Five hundred and fifty Pounds.

For tho' an Oath must be made within Ten Days, yet this not being to be done in Open Court, the Party may not hear of it, and if he knows it to be false he may have no regard to it, so he may let it run to the Term limited by the Bill.

This Nation has been Groaning long under False Swearing that has been in every Corner, all sides have had their Share in it, 'till God pours out another Spirit upon us. One of the Chief Securities against False Witnessing, is, That such an Infamy Follows it, especially when Servants Swear against their Masters, That a small matter cannot tempt even a bad Man, to so Base a Practice: But if so great a Sum were to be the Reward of such Villany, it is hard to tell where it would stop.

A Couple of bad Servants, dismiss for ill Practices, might be tempted,

tempted, in Interest, as well as Revenge, to lay a probable Story, and to carry it thro' by bold Swearing; a great deal of this sort was but too much Practiced among us Twenty Years ago; and it is to be feared, that such a Bill as this would set the same things again on Foot.

Those who acquaint themselves with the *Roman* Historians, see in them what a Sort of People the *Dilatores* were, the Encouraging them, especially Servants against their Masters, was reckoned among the greatest Reproaches of the worst Emperors: but tho' *Domitian* made much use of such Vermin, It is set out with great Pomp and in very lively Expressions, as the Glory of *Trajan's* Reign, that he freed *Rome* from that Plague, and Banished all those Infamous Betrayers of their Masters. It is to be hoped, that a Reign which God delights to Honour, shall have no such Blemish cast on it: And that no Incouragement shall be given to false Accusations and Perjury, which the Lords apprehend might follow, if so great a reward were offered as this Bill proposes: They think the Reward they offer is enough to Incourage honest and well-minded Men to discover what they may know: And do not think fit to lay before them Temptations, that may be too strong in so Corrupt an Age.

As for this Occasional Conformity, the Lords do not go about to Excuse, or to Defend it; but they who have observed the Progress of those Matters, and have born a large share in these Controversies, must acquaint the Commons, that it is no New Practice invented to Evade a Law: It has been both the Principle and Practice of some of the most Eminent among the Dissenters ever since St. *Bartholomews* in the Year, 1652. It is known, that *Baxter* and *Bates* did still Maintain it, and that several Books have been writ about it: And as the fiercest of the Dissenters, who intended to keep up a Wall of Partition between them and the Church, have opposed it much; so the Party of all the Dissenters that came nearest the Church, and of whom the greatest Numbers have come over to it, were those that Pleaded for it. Nor is it a certain Inference, that because a Man Receives the Sacrament in the Church, he can therefore Conform in every other Particular; The Office of the Communion, is certainly One of the Brightest and Best Composed of any that ever was in the Church of God: The little Exceptions that lay to the Posture, were so fully cleared by the Rubrick that is added, that it is indeed a wonder how any Person should except to any thing in the whole Office. But it does not necessarily follow, that therefore every Man who is satisfied with this, should be likewise satisfied with every other Part of Conformity. There was a very Learned and Famous Man that lived at *Salisbury*, Mr. *Tombs*, who was a very Zealous Conformist in all Points but in One, Infant Baptism; so that the receiving the

Sacrament, does not necessarily Import an entire Conformity in every other Particular ; no more than a Man who can subscribe to the two First Articles of Our Religion, that are indeed the Main Ones, and contain the Doctrine of the Trinity, and the Incarnation and Satisfaction of Christ, is by that concluded to Assent to the rest of the Thirty Nine ; The Dissenters agree to the First, but refuse some of the Last : This is likewise to be Remembred, That after St. *Bartholomew* in 1662. Occasional Conformity was a step that carried many much further ; from Occasional Conformity it grew to a Constant Conformity, if not in the Persons themselves, yet in their Children ; so the Lords now see some descended from Occasional Conformists, espouse the Cause of the Church with much Zeal.

For these Reasons the Lords do Conceive the Penalties in this Bill to be excessive, and unreasonable.

As to the Amendment in the Preamble :

The Lords have reason to insist on it, because the words left out by them relate to another Clause, which they think ought not to stand in the Bill.

But that is not all.

The words left out by this Amendment contain a Proposition, which they cannot Assent to as true : For as the Law stands, every Person to be admitted to any Office, is not obliged to be Conformable or Receive the Sacrament ; Officers of Inheritance, Forest Officers, Non Commission Officers in the Fleet, and many others, are under no such Obligation.

The Managers of the House of Commons themselves seem to admit the words too General to be Maintained in Strictness, and therefore they have Laboured to Qualifie them by Construction ; That is an Expedient which must be resorted to, when untrue or improper words happen to be found in a Law already made, but when a Law is making, it has not been usual to Content for keeping in words which are plainly liable to Exception.

Especially in a Case where the Clause is unnecessary, and the Preamble Sufficiently expresses the Design of the Law without it.

The Lords insist on their Amendment, which leaves out the words relating to the Corporation Act.

They say it cannot be Disputed but that the Test Act extends to all the Considerable Offices and Employments, in which the Security of the Government may be concerned.

That Law was made when the Kingdom was under a just Apprehension of Danger to the Church ; and the Expedient agreed upon as most likely to secure her, was, The placing all the Considerable Offices in the Hands of her Members, so that the Design of the Test Act is the same with that of this Bill.

Experience has justified the Measures taken by that Law,



and there has been no Complaint, That it was not Extensive enough as to the several sorts of Offices.

To Encounter a Practice which it is supposed may be made use of to Elude the true Design of the Test Act, the Commons have proposed by this Bill to restrain absolutely Persons in Office from going to Meetings; and the Lords Agree with them so far as relates to all manner of Offices comprehended in the Test Act, which the Lords think is the Right Measure to go by.

All Offices which relate to Magistracy (as well within Corporations as without) are manifestly comprehended in the Test Act: and therefore the Lords have wondred to hear the Managers of the House of Commons Argue, That it is of Consequence to secure the Magistracy of the Corporations in the Hands of Church-Men, or to Affirm, That if this Amendment was Agreed, Dissenters may let themselves into the Government of Corporations, since it is directly otherwise.

The Corporation Act was made, when the Kingdom was just Delivered from a long Usurpation, and was principally Founded on Reasons peculiar to that time.

Indeed nothing but so Extraordinary a Juncture could have Excused the placing such Extravagant Powers in the Hands of the Commissioners appointed by that Act.

Part of the Act has been Repealed, and there was no great regard had to it, at the time when a more Effectual Security was given to the Church by the Test. The Lords go not about to weaken the Force of the Corporation Act, but think it not Reasonable to Extend the Penalties of this Bill to the general and uncertain words of that Law.

The Managers for the Commons say, The words of the Test Act are as General as those of the Corporation Act; if so, we seem to be Contending about nothing; since how General soever the words of the Test Act are, the Lords have Agreed they shall stand in the Bill.

The words in the Test Act are universally understood, no doubt remains to what Offices and Persons it extends; It is not so as to the Corporation Act, the uncertainty of the words in that Law Determines the Lords to think they ought not to be the Description of the Persons to whom the Bill should reach.

They think themselves obliged to be more Cautious in this Matter, because the Bill now depending does not only concern those who shall for the future come into Offices, but such as are at present possessed of them.

In Corporations there are many Offices of a Private and Inferiour Nature; some have been obtained by Purchase, some by long Services; and Men have attained to others in Course; some of these are Freeholds, many of them the whole Substance of Families, and perhaps have been Enjoyed many

many Years, under an Obedience to all such Terms as the Law now in being has prescribed. And the Lords think it hard to Disturb Men in their Freeholds and Possessions by New Laws, unless the Case be such, that the Security of the Government does appear to be manifestly concerned. Where that does appear, the Lords can satisfy themselves to Dispense with Private Considerations ( as is seen by what they have Agreed to in this Bill ) but they cannot go further.

The Lords look on the Penalties in this Bill, as it was framed by the House of Commons, to be very excessive, and such as bear no proportion to the Offence, and therefore they cannot agree to them.

The Practice of Occasional Conformity is not New, it is almost of the same Date with the Act of Uniformity; it has been a known Dispute among the Dissenters, and Vindicated in Print by some of them, and practiced by many of them, who had no thoughts of Offices, and has been a means of bringing several Persons, entirely from Meetings. The Objection to this Practice by those of the Church of *England*, has been but of late.

The Lords do not go about to justify Men who can come so far towards Uniting with the Church, and yet will stop there, any more than they do to justify any other of the Points upon which the Dissenters continue their Separation.

And since there is reason to apprehend, that such a Liberty as this may be perverted to the eluding the Law, the Lords have agreed to restrain it.

They are willing to make it impossible for such Men to keep in Offices, because Hypocrites would make use of such a Liberty; but they are not willing to ruine Persons utterly on account of a Practice, that many well-meaning Men have been and may be led into, and which they think tends naturally to bring them over entirely to the Church.

The Penalty of 100 *l.* and 5 *l.* a Day, and that whole Sum given to the Informer, the Lords think a dangerous Temptation to Perjury.

Our Law has Branded Informers with the hardest Character, Troublesome Persons, who grievously charge, vex and disturb the Commons, this is the Description the Law has given of them.

Judges must Encourage these sort of Men according to the terms of the Laws when made; but Legislators when they are considering of Laws to be made, must speak of these Men as they are.

So great a Temptation will make the Innocent almost as Insecure as the Guilty.

Experience shewed this in the Instances of some of the most active

active Informers in Prosecuting Dissenters on the Acts against Conventicles; who were Convicted of Perjuries against many Persons, tho' there the Temptation was nothing comparable to what it would be, if these Penalties should stand.

And tho' the Commons have yielded to the Lords Amendments, that two Witnesses shall be necessary, and that the time of Prosecution shall not be left Indefinite; yet that will not be sufficient, for both those things were provided for in the Conventicle Act.

And tho' the Commons have also yielded to shorten the time for the Prosecution, yet the Penalty may still amount to a very great Sum, for the five Pounds a Day, may go on for three Months.

The Punishment of a total Incapacity, is the heaviest, next the loss of Life, and yet it is to be inflicted for the first Offence.

The word Employment is more General than any word the Test Act has, such Punishment ought only to be for a Crime of the highest nature; and yet going to a Meeting is no Crime, as the Law now stands, nor will it be a Crime in any Man who is not in Office, when the Bill is passed into a Law.

The Lords agree to that part of the Penalty which Answers the visible Design of the Bill, by making the going to a Conventicle to be Forfeiture of Office. To go further to ruine Mens Estates, to make them Infamous (for what can be more Infamous than such a Disability) they think is to exceed all Bounds.

The Managers for the Commons say, there are greater Penalties in other Laws; it does not appear by any Instances which have been given. These Penalties are much heavier than in most of the Laws about Religion. But if that were true, what is to be Inferred from thence, if the Crimes be not the same in the heinousness of their Natures, Justice and good Policy requires there should be some proportion between the Offence, and the Punishment.

The Lords have quite another Consideration of the Penalties in this Bill, and those of the Test Act.

In the present Case, an Innocent Man has only a sort of Negative Proof to defend him from False Witnesses, who may chuse to Assign such a time and place for the Fact, as they know the Party can be least likely to defend himself.

Whereas in the Case of the Test Act, the Man who resolves to obey the Law, which is to Subscribe the Declaration, and receive the Sacrament, has not only the Liberty to choose his own Witnesses of his receiving the Sacrament, and the Attestation of the Minister who Officiates; but the whole is put upon Record: So that when a Man has complied with the Law, he is beyond all possibility of suffering by a false Accusation.

There



There seems to be no occasion here to increase the Punishment upon a second Offence, for it does not depend upon the former, as in most Cases, where the Penalty is increased for the second Offence; for when the Office is gone, the Person is under no legal Restraint from going to Conventicles.

If he obtains a New Office, he brings himself at the same time under the reach of this Law, upon a new Account; and if he offends again, he will lose that Office, besides incurring the Pecuniary Penalty.

The Proviso, which is to qualify the Incapacity, is made so very hard, that it is a new Instance of the great Severity of the Bill. A Man to set himself right again, must take more Publick Shame to himself, than the severest Laws against Papists require to discharge all the Penalties and Incapacities of a Popish Recusant Convict, as appears plainly, by perusing the several Acts relating to that Matter; and the Lords will always be tender of putting greater Hardships on Protestant Dissenters, than Papists.

That no Comparison ought to be made between the Penalties the Law had laid upon Papists for Holding of Offices of Trust, without taking the Test and Receiving the Sacrament, and the Penalties to be laid upon Occasional Conformity, for Holding their Office after they have been at a Conventicle.

This Difference of Punishment, that ought to be observed between these two, is not upon the Account that the Errors of the one are much greater than the Errors of the other, how true soever that is, but because the one depend upon a Foreign Power, and are subject to it; so the Nation is really in Danger if such Men should hold Employments, who must be looked on as publick Enemies, and as Persons who receive Directions from an Authority that we are sure is ever Contriving our Ruin; but no such Danger can be apprehended from Men who have no other Strength than what they have among our selves, which we are sure can no way be Compared to the Strength of the Established Church.

As to this Occasional Conformity, it will appear no such Formidable thing, if we Consider what the Sense both of the Church of *England*, and of the Church of *Rome*, was of this Matter upon other Occasions.

In the beginning of Queen *Elizabeth's* Reign, the Reformation and the Liturgy were put on a Foot, to bring over the whole Nation, that had then a Leaven of Popery, to Concur in it; It had this Effect, all the Papists of *England* came to Church, and were Occasional Conformists: Yet the Church of *England* was not uneasy at this; they Complained of no Danger from it. But who was Sensible of it? It was the Pope, and  
he

he was in the Right, as to his own Interest; for he saw what in time that Occasional Conformity would grow to, and therefore he put a stop to it, and by a Bull Condemn'd it. And indeed the Church of *Rome* has shewed by the Methods of all their Missions, that they apprehend no Danger, but great Advantage, from any Step of the Occasional Conformity of Protestants. They accept of any thing, and encourage every thing of that kind; and we have all seen, by the fatal Effects of their Practice, that they are in the right, and gain their Ends by it.

As for the Clauses about the Foreign Protestants, there is great reason to give them all just Incouragement, for as they have brought among us many new Manufactures, so they have carried them so far, that of late Years we have Exported to the Value of a Million of Woollen Manufactures more than was done in King *Charles's* Reign before they came among us; and the putting them under Apprehensions or Discouragements, may be a means to drive them to a Country where they are sure of an entire Liberty.

The Book that goes under the Name of Mr. *De Wit*, shews the *Dutch* reckon that the Woollen Manufactures can never have such a Settlement among us as with them, because they who must Work them, cannot have so entire a Liberty of Conscience here as there: We have felt the happy Effects of the Liberty granted them in the last Reign, and it is to be hoped, that nothing will be done in this to Impeach that, or to raise Apprehensions and Fears in the Minds of Men that are so useful to us in the most Important Article of our Trade.

As to the Clause concerning Universities, we are not to consider the Danger they may be in under our present Circumstances, but what may happen in another State of things. It is not so long, since we saw what Advantages were like to be taken against those Learned Bodies, if there had been such a Law to furnish those that were troubling them without any Reason or Pretence, with the Handle that this Bill might have given them without this Clause; and therefore the Lords think they are too much beholding to those great Foundations, not to take Care of them, and think themselves bound to Secure them, even from remote and possible Dangers, besides that, the Vice Chancellour and Heads of Houses, being Men often of Great Dignities and Preferments, may by a severe Prosecution be Ruined, unless secured by a Clause.

As for the Clause concerning those Societies that are engaged in taking Care of the Poor, the Nation, and this City in Particular, has seen such good Effects of their Care and Industry, that it cannot seem reasonable to put any Discouragement upon them; how many Poor Children do they take Care of? They are by their Means Clothed and Taught, and bound out to  
Trades;

Trades; and if some Mised People joyn their Assistance and Charity to so Great a Work, shall they be hindred from it, or punished for it, if they have been so far Mistaken as to be at a Conventicle? But this Clause has no relation to endowed Hospitals which are under Peculiar Statutes, and to which none of these People have any Access: The Law has taken Care of these, and Secured them; and this Clause relates only to Free and Voluntary Societies for such Charities, which the Lords do not think fit to put any Restraints, or to Bar any from coming into them.

The Managers for the Commons, by way of Reply to these Arguments urged by your Managers, said,

That several of the Lords Arguments were against the Bill.

That the Lords had Agreed to the greater Part of this Bill, and therefore should Confine themselves, and speak only to their own Amendments.

That no time could be more seasonable for this Bill, than the Present; because the Church was now in no Danger of Popery, or of Fanaticism: But good Laws are to be made for Posterity, and may be obtained most easily in the best Reigns.

That the Right of Election of Members to serve in Parliament, is in those that are Concerned in the Government of Corporations, and if they should by this Bill be turned out of their Employments, and consequently lose their Votes in the Elections; Yet it cannot be said, they lose their Birthrights, because no Man is born a Magistrate.

That the Commons Penalty bears a just Proportion to the Offence, and that all above One hundred Pounds is for an Obstinate Persisting in the Crime.

That the Offender cannot be Guilty thro' inadvertency, he must Offend knowingly and willingly.

That the Test Act gives Five hundred Pounds, a much greater Penalty than that in this Act to the Informer; besides that Act brings the Offender under very great Disabilities.

That an Innocent Man is no more Secure under the Test Act, than under this Bill; The Question must be always upon his Acting or not Acting, which does not depend upon the Record; and a very violent Prosecution has been known within few Years against an Alderman of *Worcester*, a constant Conformist, only upon a Nicety, and where there has been no fault in the Party.

That the Tryal must be by a Jury, not in a Summary Way before a Justice of the Peace, as in some of our Penal Laws.

That it was very plain, good Protestants might be Affected by Prosecutions upon the Test Act.

Then their Managers left the Bill with the Lords, and said, They hoped the Lords would not let the Publick lose the Benefit of so good a Law.

Then



Then the First Amendment made by the Lords in 1st Skin, 10th Line, after [*Scrupulous*] read [*But*] 11th Line, leave out from [*whereas*] to [*several*] in the 16th Line, was read.

After Debate, the Question was put, Whether this House shall Adhere to this Amendment?

It was Resolved in the Affirmative.

Then the 2d Amendment, (*viz.*) 1st Skin, 20th Line, leave out [*such*.]

After Debate, the Question was put, Whether this House shall Adhere to this Amendment?

It was Resolved in the Affirmative.

Then the Amendment in the 2d Skin, 4th Line (*viz.*) leave out from [*Family*] to [*shall*] in the 15th Line being read:

After Debate, the Question was put, Whether this House shall Adhere to this Amendment?

It was Resolved in the Negative.

Then the Amendment 34th Line, leave out [*One hundred Pounds, and Five Pounds for every Day that any such Person shall Continue in the Execution of such Office or Employment*] and read [*Twenty Pounds to be divided into Three Parts, One Third Part to the Queen, One other to the Poor of the Parish where the Offence shall be Committed, and One Third Part to the Informer.*]

The Question was put, Whether this House shall Adhere to this Amendment?

It was Resolved in the Affirmative. Then the Amendment in the 3d Skin, 9th Line, leave out from [*asforesaid*] to the end of the Bill, being also read:

After Debate, the Question was put, Whether this House shall Adhere to this Amendment?

It was Resolved in the Affirmative.

Then the next Amendment Clause (*B*) concerning Protestant Dissenters, being Compellable to hold any Offices, &c. being read:

The Question was put, Whether this House shall Adhere to this Amendment?

It was Resolved in the Affirmative.

Then the Clause (*C*) being read (relating to the University Sermons.)

It was Agreed to Adhere to this Clause.

The Clause (*D*) being read (relating to the *French* Churches allowed of.)

It was Agreed to Adhere to this Clause.

The Clause (*E*) being also read (relating to the Governours of Hospitals, &c.)

It was Agreed to Adhere to this Clause.

*Die Luna, 25 Januarii, 1702.*

The House being moved, to take into Consideration what method is to be used in returning to the House of Commons the Bill, Intituled, *An Act for Preventing Occasional Conformity*, since the Lords adhering to most of their Amendments after the Free Conference: It is ordered by the Lords Spiritual and Temporal in Parliament Assembled, That the Lords Committees who were the Managers of the Free Conference on that Bill, do meet to Morrow at Ten a Clock in the Forenoon, and search Presidents relating to this Matter and Report to the House.

*Die Veneris, 29 Januarii, 1702.*

The Lord Steward Reported from the Lords Committees to Inspect the Journals, in relation to delivering Bills to the Commons, after the Lords adhering to their Amendments:

That their Lordships find, it is to be Delivered at a Free Conference, sometimes with, and sometimes without Reasons.

Then several Presidents were read out of the Journal.

After which, It was Agreed to deliver the Bill at a Free Conference.

Then the Lords Amendment (*viz.*) 2d Skin, 4th Line, leave out from [*family*] to [*shall*] in the 15th Line, to which the Lords had not Adhered, being read, and debate thereupon:

The Question was proposed, Whether this House shall Agree with the Commons, That the Clause now read do stand Part of the Bill?

Then the Previous Question was put, Whether this Question shall be now put?

It was Resolved in the Affirmative.

Then the main Question was put, Whether this House shall Agree with the Commons, that the Clause read do stand part of the Bill?

It was Resolved in the Affirmative.

A Message was sent to the House of Commons by Sir *John Hoskyns* and Sir *Robert Legard*, to Desire a Free Conference on *Monday* next, at One a Clock in the Painted Chamber, upon the Subject Matter of the last Free Conference, relating to the Bill for Preventing Occasional Conformity.

The Messengers sent to the House of Commons return Answer, that the Commons Agree to a Free Conference as desired.

*Die Luna, 1 Februarii, 1702.*

The Commons being come to the Free Conference, the Managers Names were read, and the Lords went to the Free Conference; which being ended, the House was Resumed, and the Lord Steward Reported, That the Lords had attended the Free Conference as commanded, and delivered the Bill to the Commons, and Acquainted them, That the Lords had receded from One of their Amendments, and adhered to all the rest.

The Bill as it then stood is as follows.

*An*

*An Act for Preventing Occasional Conformity, (as it was Amended and Agreed to by the Lords. )*

**A**S nothing is more contrary to the Profession of the Christian Religion, and particularly to the Doctrine of the Church of *England*, than Persecution for Conscience only; in due Consideration whereof, an Act Passed in the First Year of the Reign of the late King *William* and Queen *Mary*, of Glorious Memory, Intituled, *An Act for Exempting Their Majesties Protestant Subjects Dissenting from the Church of England, from the Penalties of certain Laws*; which Act ought inviolably to be Observed, and ease given to all Consciences truly scrupulous: But nevertheless, whereas several Persons Dissenting from the Church, as it is by Law Established, do joyn with the Members thereof, in Receiving the Sacrament of the Lords Supper, to Qualifie themselves to Have and Enjoy Offices and Employments, and do afterwards Resort to Conventicles or Meetings, for the Exercise of Religion, in other manner than according to the Liturgy and Practice of the Church of *England*, which is contrary to the Intent and Meaning of the Laws already made: Be it therefore Enacted by the Queens most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in Parliament Assembled, and by Authority of the same, That if any Person or Persons, after the First Day of *March*, which shall be in the Year of our Lord, One thousand seven hundred and two, either Peers or Commoners, who have or shall have any Office or Offices, Civil or Military, or Receive any Pay, Salary, Fee or Wages, by reason of any Patent or Grant from Her Majesty, or shall have any Command or Place of Trust from or under Her Majesty, or from any of Her Majesties Predecessors, or by Her or Their Authority, or by Authority derived from Her or Them, within the Kingdom of *England*, Dominion of *Wales*, or Town of *Berwick upon Tweed*, or in Her Majesties Navy, or in the several Islands of *Jersey* and *Guernsey*, or shall be Admitted into any Service or Employment in Her Majesties Household or Family, or if any Mayor, Alderman, Recorder, or Bailiff, Town-Clerk, Common-Council-Man, or other Person bearing any Office of Magistracy, or Place of Trust, or other Employment relating to, or concerning the Government of the respective Cities, Corporations, Boroughs, Cinque-Ports and their Members, and other Port Towns within the Kingdom of *England*, Dominion of *Wales*, and Town of *Berwick upon Tweed*, who by the Laws are obliged to Receive the Sacrament of the Lords Supper, according to the Rites and Usage of the Church of *England*, shall at any time after their Admission into their respective Offices or Employments, or after

having



having such Grant, as aforesaid, during his or their Continuance in such Office or Offices, Employment or Employments, or the Injoyment of any Profit or Advantage from the same, knowingly and willingly resort to, or be present at any Conventicle, Assembly or Meeting, under Colour or Pretence of any Exercise of Religion, in other manner than according to the Liturgy and Practice of the Church of *England*, in any Place within the Kingdom of *England*, Dominion of *Wales*, and Town of *Berwick upon Tweed*, at which Conventicle, Assembly or Meeting, there shall be Five Persons or more Assembled together, over and besides those of the same Household, if it be in any House where there is a Family Inhabiting, or if it be in any House or Place, where there is no Family Inhabiting, then where any Five Persons or more are so Assembled, as aforesaid, or shall knowingly and willingly be present at any such Meeting, in such House or Place, as aforesaid, altho' the Liturgy be there used, in case Her Majesty, whom God long preserve, *Catherine* the Queen Dowager, and the Princess *Sophia*, or such others as shall from time to time be lawfully appointed to be Prayed for, in pursuance of the Act Passed in the First Year of King *William* and Queen *Mary*, Intituled, *An Act Declaring the Rights and Liberties of the Subject, and Settling the Succession of the Crown*; and the Act Passed in the 12th and 13th of King *William* the Third, Intituled, *An Act for the further Limitation of the Crown, and better Securing the Rights and Liberties of the Subject*, shall not be there Prayed for in express Words, according to the Liturgy of the Church of *England*, shall Forfeit the Sum of Twenty Pounds, to be divided into three parts, whereof one third part to the Queen, one other to the Poor of the Parish, where the Offence shall be Committed, and one third part to the Informer, after he or they shall have Resorted to, or been Present at any such Conventicle, Assembly or Meeting, as aforesaid, to be Recovered by him or them that shall Sue for the same, by any Action of Debt, Bill, Plaint or Information, in any of Her Majesties Courts at *Westminster*, wherein no Essoign, Protection or Wager of Law shall be Allowed, nor more than one Imparlance.

And be it further Enacted, That every Person Convicted in any Action to be brought, as aforesaid, or upon any Information, Resentment or Indictment, in any of Her Majesties Courts at *Westminster*, or at the Assizes, shall be Disabled from thenceforth to hold such Office or Offices, Employment or Employments, or to receive any Profit or Advantage, by reason of them, or of any Grant, as aforesaid.

[*Clause A.*] Provided, That no Person shall suffer any Punishment for any Offence Committed against this Act, unless Oath be made of such Offence before some Judge or Justice

of

of the Peace, (who is hereby Impowered and Required to take the said Oath) within Ten Days after the said Offence Committed, and unless the said Offender be Prosecuted for the same, within Three Months after the said Offence Committed, nor shall any Person be Convicted for any such Offence, unless upon the Oaths of two Credible Witnesses at the least.

[ *Clause B.* ] Provided always, and be it Enacted, That from and after the said First Day of *March*, no Protestant Dissenter shall be Compelled, or Compellable, to take, serve, hold or bear any Office or Place whatsoever, for the taking, serving or holding whereof he cannot be duly Qualified by Law without receiving the Holy Sacrament according to the Usage of the Church of *England*, and also making and subscribing the Declaration mentioned in the Statute made 25 *Car. II.* Intituled, *An Act for Preventing Dangers which may happen from Popish Recusants*; any Statute, Law, Usage, or other thing to the contrary notwithstanding.

[ *Clause C.* ] Provided nevertheless, That this Act shall not extend to the University Churches in the Universities of this Realm, or either of them, when or at such times, as any Sermon or Lecture is Preached or Read in the same Churches, or any of them, for or as the Publick University Sermon or Lecture, but that the same Sermons or Lectures may be Preached or Read in such sort or manner, as the same have been heretofore Preached or Read; this Act, or any thing herein contained to the contrary in any wise notwithstanding.

[ *Clause D.* ] Provided, That no Person shall incur any the Penalties in this Act, by Resorting to, or being present at the Religious Exercises used in the *Dutch* and *French* Languages, in Churches Established in this Realm, in the Reigns of King *Edward* the Sixth, or of Queen *Elizabeth*, or of any other King or Queen of this Realm.

[ *Clause E.* ] Provided always, and be it Enacted by the Authority aforesaid, That nothing in this Act shall extend, or be Construed to extend to any Governor or Governors of any Hospital or Hospitals, or to any Assistants of any Corporation or Corporations, Work-house or Work-houses, Constituted, Erected or Employed for the Relief and Setting of the Poor on Work, and for Punishing of Vagrants and Beggars; all which said Persons, and every of them, shall be and are hereby exempted from all the Penalties mentioned in this Act, and are hereby Adjudged and Declared not to be subject or liable to any of the Penalties or Forfeitures mentioned in one Act of Parliament made in the 25th Year of the Reign of King *Charles II.* *For preventing Dangers which may happen from Popish Recusants*, so, or by reason of any of the aforesaid Offices, Places and Employments.

F I N I S.

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A C C O U N T  
O F T H E  
EVENTS produced in ENGLAND

By the Grant of the Kingdom of SICILY

To Prince EDMUND, second Son of King  
HENRY the Third.

W I T H

Some REMARKS on the SEAL of that PRINCE.

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By THOMAS ASTLE, *Esq*; F. R. S. and F. S. A.

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Read before the SOCIETY of ANTIQUARIES, in March, 1776.

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